

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

Dow Chemical Company,

Claimant

v.

Velsicol Chemical Corporation,

Respondent

FIFRA COMP. Docket Nos. 4

through 18

OPINION AND ORDER

These are consolidated proceedings under section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, (7 U.S.C. 136(a)(c)(1)(D) Supp. V, 1975) to determine the reasonable compensation to be paid to the producer of test data by a registrant of pesticides who used the data in obtaining registrations of its products. In obtaining registrations for 15 different pesticides, Velsicol Chemical Corporation (Velsicol) relied on data previously submitted by Dow Chemical Company (Dow) to EPA for the purpose of obtaining registrations of its products. With regard to each of the pesticides for which Velsicol obtained a registration, Dow submitted a claim for compensation against Velsicol.

These proceedings were instituted pursuant to the authorization and direction of the Acting Administrator of EPA dated October 13, 1976,

41 FR 46020. Pursuant to said direction and authorization, the undersigned Administrative Law Judge, who was designated to preside in the proceedings, issued Rules of Procedure (Rules) for the conduct of the proceedings and matters related thereto which Rules were considered necessary for the orderly adjudication of the claims for compensation.

Pursuant to the above mentioned authorization and direction, the Director of the Agency's Registration Division certified and forwarded the official file in each of the proceedings. These are the only documents before me at this time relating to these claims for compensation. Copies of these documents were served on the parties in accordance with section 2(b) of the Rules.

Dow^{1/} has filed a motion to dissolve the proceedings for lack of jurisdiction or in the alternative to stay the proceedings and has filed a brief in support thereof. Velsicol has filed a brief in opposition.

The factual situation and background out of which the issues presented at this stage of the proceedings arise are essentially

1/ In the caption of each proceeding Dow is designated as "Claimant". The Rules of Procedure define "claimant" as "a person asserting a claim for compensation under these rules." Dow objects to being designated as "Claimant". Dow is asserting a claim for compensation and one asserting a claim is properly designated as "claimant". See Webster's New World Dictionary, 2nd College Edition, 1974.

the same in each of the 15 proceedings and as typical of all the proceedings (as disclosed in the documents before me) I recite the facts in FIFRA COMP. Docket No. 4.^{2/}

By application dated April 8, 1974, Velsicol applied to EPA for registration of the pesticide designated Vegatrol A-4D Herbicide. Accompanying the application was a confidential statement of formula,^{3/} an offer to pay and method of support statement, and copies of proposed label. The offer to pay and method of support statement was contained in a letter from Velsicol to the EPA Registration Division, dated April 10, 1974. The offer to pay was as follows:

I hereby offer to pay reasonable compensation to the extent provided under Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and in accordance with the interim policy statement published in the Federal Register on November 19, 1973, for use of any test data, which had been submitted to the Environmental Protection Agency in connection with an application for the registration of a pesticide for the first time on or after October 21, 1972, and which may be used in support of the registration application for the subject pesticide.

The method of support statement was as follows:

PROCEED ON THE BASIS OF ESTABLISHED USE PATTERNS.
(Any application for which the applicant desires the Agency to use any or all available information in addition to what is provided by the applicant

^{2/} A table containing pertinent information with regard to each of the 15 products in question is annexed hereto as Attachment A.

^{3/} The confidential statement of formula has not been transmitted by the Registration Division.

must proceed under 2.c. Applications containing data for specific uses or references for part of the required information, but requiring additional information already on file with the Agency to be complete, must proceed under 2.c.

On June 10, 1974, EPA published in the Federal Register (39 FR 20112) notice of a number of applications for registrations that had been filed under section 3(c)(1)(D) including this application of Velsicol. This notice stated in part:

On or before August 9, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the Federal Register of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

* * *

Applications submitted under 2(c) will be held until August 9, 1974 before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before August 9, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after August 9, 1974.

By letter dated August 6, 1974, addressed to the Registration Division (and received by it on August 8, 1974) and Velsicol, Dow submitted what it captioned "Claim for Compensation Under Section 3(c)(1)(D) of the Federal Environmental Pesticide Control Act of 1972."

The opening paragraph of the letter was as follows:

Please be advised that The Dow Chemical Company is hereby notifying the Administrator of the Environmental Protection Agency and the applicant, Velsicol Chemical Corp., of the assertion by Dow of a claim for compensation against the applicant Velsicol under Section 3(c)(1)(D) of the Federal Environmental Pesticide Control Act of 1972 (FEPCA). This notice of assertion of claim for compensation is also intended to preserve Dow's opportunity for determination of reasonable compensation by the Administrator in the event that registration is effected through the use of Dow's data presently on file with the Agency.

There was attached to this letter two tables with specific references relating to data of the products in question concerning which Dow was claiming compensation. With regard to the Velsicol product designated Vegatrol A-4D, Dow designated 15 specific references to data as to which it asserted right of compensation.^{4/}

By letter of August 13, 1974, the Registration Division wrote to Velsicol as follows:

This is to notify you that we have received a claim on the subject product from the Dow Chemical Company under Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act. You will be given the opportunity to do one of the following:

1. Submit a revised application with either all supporting data, or references to all supporting data;
2. Acknowledge that the claimant(s) data is being relied upon and request that the Agency consider such data in support of the application; or

^{4/} It appears that some of this data was submitted by Dow in support of applications before October 21, 1972. For reasons hereinafter stated, we are concerned in these proceedings only with data submitted for the first time on or after October 21, 1972.

3. Submit a revised labeling which does not bear claims and/or directions for use for which the claimant has submitted data.

By letter of September 24, 1975, Velsicol wrote to the Registration Division, with a copy to Dow, and stated in part:

We hereby acknowledge that the claimant's data, ^{5/} as specified in their letter of August 9, 1974, are being relied upon and hereby request that you consider such data in support of our application. It is our understanding that the review can be completed and registration can now be granted by our taking this action.

By letter dated October 8, 1975, the Registration Division wrote to Velsicol acknowledging receipt of its letter of September 24, 1975 which "authorized this Agency to proceed relying upon the data quoted by Dow Chemical Company" and advising that Dow "will be notified of your decision and registration review will proceed."

On the same day (October 8, 1975) the Registration Division wrote to Dow in part as follows:

This letter is to notify you that in a letter dated September 24, 1975, Velsicol Chemical Corporation instructed this Agency to proceed with registration relying upon the data quoted in your letter of August 6, 1974.

On November 21, 1975, the Velsicol product, Vegatrol A-4D was accepted for registration by EPA. ^{6/}

^{5/} The Dow letter was dated August 6, 1974 and I take this reference to their letter of August 9, 1974 to be a clerical error.

^{6/} On the same date 12 other Velsicol products in question were accepted for registration. Two other products (Docket Nos. 9 and 16) were accepted for registration on November 20, 1975. (See Attachment A.)

In support of its motion to dissolve the proceedings Dow asserts that the Administrator is without jurisdiction to determine reasonable compensation at this time. More particularly, Dow asserts that the applications for registration by Velsicol and the subsequent granting of registrations by the Administrator did not comply with the requirements of section 3(c)(1)(D) for the following reasons:

1. There was no specific offer by Velsicol to Dow to pay for data on which Velsicol was relying;
2. No determination as to the status of Dow's data under section 10(b) was made prior to its consideration by the Administrator;
3. There has been no specific delineation and identification of the Dow data that was considered by the Administrator in approving Velsicol's registrations.

In support of its contentions, Dow relies on the cases of Mobay Chemical Corp. v. Train, 394 F.Supp. 1342 (W.D.Mo. 1975) and Dow Chemical Co. v. Train, 9 ERC 1678 (E.D.Mich. 1976).

My fellow Administrative Law Judge, Gerald Harwood, recently in the proceeding entitled American Cyanamid Co., Claimant v. Thompson-Hayward Chemical Co., Respondent, FIFRA COMP. Docket No. 25, had occasion to consider the same issues that are presented in these proceedings. He issued an opinion on March 10, 1977 and I concur in his analysis of the Mobay and Dow cases. With regard to these cases he said:

Both cases involve suits by producers of test data to enjoin the EPA from considering their tests in registering other pesticides. In both cases the district courts focused their attention almost entirely on how the producers could protect their right to compensation by means other than in an administrative proceeding to determine compensation. (Procedures for having compensation determined administratively were not established by the EPA until October 1976. See 41 FR 46020.)

Since the courts were not presented with the question of whether an administrative proceeding to determine compensation should be stayed, their language as to what an applicant who seeks to use another's tests must do by way of making an offer to pay to and negotiating with a producer as a prerequisite to the Agency's consideration of the data is inapplicable to this case or dictum so far as this case is concerned. The conclusions of the court in both Dow and Mobay that the EPA procedures (which at that time made no provision for administrative determinations of compensation) did not comply with Section 3(c)(1)(D) appear to have been based on the premise that the procedures did not adequately protect a producer's right to compensation. See Dow, *supra*, 9 BNA Env. Rep. Cas. at 1682-83, 1684; Mobay, *supra*, 394 F.Supp. 1348-49, 1350. Whatever may have been the validity of that premise in the circumstances of those cases, it cannot be said to apply here as a ground for enjoining this proceeding. The very purpose of this proceeding is to determine the reasonable compensation which must be paid to the producer for use of the test data, and since the parties are being accorded a full adjudicatory hearing, American Cyanamid's rights to reasonable compensation will not be prejudiced. If there is error in the administrative determination, judicial review is expressly provided for by statute. Moreover, as noted above, the record does not disclose any facts showing that American Cyanamid's rights to compensation have been prejudiced by the procedures followed here. Finally, insofar as the language in Dow and Mobay on which American

Cyanamid relies suggests that some greater obligation to make an offer to pay and to negotiate than was done here should be imposed on Thompson-Hayward as a prerequisite to this proceeding, such a holding does not seem to be justified either by the statute or the legislative history.

Even if we accept the language of Mobay as requiring Velsicol to make a specific offer to Dow to pay reasonable compensation for use of its data, the documents of record support Velsicol's contention that Dow is estopped from asserting the absence of a direct offer to pay compensation as a basis for dissolving these proceedings.

In accordance with the Interim Policy Statement in effect at the time, 38 FR 31862, Velsicol in its application of April 8, 1974 (supra, p. 3) offered to pay reasonable compensation for the use of any test data submitted to EPA on or after October 21, 1972 which may be used in support of its registration application.

Notice of receipt of the Velsicol application was published in the Federal Register on June 10, 1974. The notice listed the active ingredients of the Velsicol product. Dow recognized that data used in support of its registrations would come within the purview of the data described in the Velsicol application and on August 6, 1974 it addressed a letter to EPA and Velsicol making claim for compensation (supra, p. 5). In the attachments to Dow's letter there is set forth in detail the data for which it claimed compensation. Upon receipt of EPA's letter of October 8, 1975 (supra, p. 6), Dow

knew that its claim for compensation was recognized both by EPA and Velsicol and that EPA was to proceed with the Velsicol registration relying on Dow's data. Dow sat by silently and expressed no objection to EPA proceeding to register the Velsicol product relying on Dow's data. Dow cannot now be heard to complain of EPA's action.

Dow was not injured by reason of the absence of a direct offer to it from Velsicol and it maintained its right to protect its compensation claim. Indeed, that is the purpose of these proceedings.

If responsible officials of either of these large companies had desired to negotiate, a simple telephone call or letter could have initiated negotiations.

As one of the grounds for contending that the Administrator is without jurisdiction to determine reasonable compensation at this time Dow urges that no determination as to the status of Dow's data under section 10(b) of the Act was made prior to its consideration by the Administrator.^{7/}

7/ Sections 10(a) and 10(b) provide as follows:

"(a) IN GENERAL - In submitting data required by this Act, the applicant may (1) clearly mark any portions thereof which in his opinion are trade secrets or commercial or financial information and (2) submit such marked material separately from other material required to be submitted under this Act.

"(b) DISCLOSURE - Notwithstanding any other provision of this Act, the Administrator shall not make public information which in his judgment contains or relates to trade secrets or commercial or financial information obtained from a person and privileged or confidential, except that, when necessary to carry out the provisions of this Act, information relating to formulas of products acquired by authorization of this Act may be revealed to any Federal agency consulted and may be revealed at a public hearing or in findings of fact issued by the Administrator.

Judge Harwood in the American Cyanamid case, supra, had the same question as to the use of data protected by section 10(b) before him.

I concur in his opinion on this point wherein he said:

While this fact, if it were so (use of data protected by section 10(b)) may be relevant to the question of whether the pesticide was properly registered, its relevancy to this proceeding to determine reasonable compensation for use of data relied upon is not clear. In any event, the record now before me is barren of any factual support for American Cyanamid's claim that the EPA acted in direct contravention of section 3(c)(1)(D) in registering the pesticide. To accept the claim under these circumstances would be contrary to the strong presumption to which administrative officials are entitled that they have performed their duties in accordance with law. Pacific States Box & Basket Co. v. White, 296 U.S. 176, 185-86 (1935); Kalvar Corp. v. United States, 543 F.2d 1298, 1301 (Ct. Cl. 1976).

Judge Harwood also noted:

What consideration should be given in determining compensation to whether the data is protected by section 10(b), and, if it is, how that affects the producer's right to compensation may be issues in this proceeding, but I do not have to reach them for the purpose of deciding this motion. It should be noted that in claiming compensation under section 3(c)(1)(D), American Cyanamid did not single out any of the data as being excluded because it was protected by section 10(b).

In this case, as in the American Cyanamid case, the claimant, in making claim for compensation, did not single out any data as being excluded because it was protected by section 10(b).

Dow attacks the proceedings on the ground that there has been no specific delineation and identification of its data that was considered by the Administrator in approving the Velsicol applications. In this connection Dow claims that the Rules of Procedure issued by the ALJ are in conflict with its rights and contrary to the decision in Mobay and Dow v. Train. In particular, Dow attacks Rule 2(d) which, among other things, requires it to file a statement of the amount of compensation claimed and method of computing said amount and a certification whether it has granted permission to others to use the same test data and whether it has any other claims for compensation pending for use of the data on which this claim is made. It argues that it cannot comply with these requirements unless the data considered by the Administrator in approving the Velsicol applications is identified.

Velsicol argues that its applications were submitted under authority of the 2(c) procedure of the Interim Policy Statement which allows it to request EPA to consider applications on the basis of "existing use patterns efficacy and safety" as previously established by EPA and that it would not have known what data EPA might consider under this procedure. Further, Velsicol argues that it relied on the judgment of EPA, from all the information at its disposal, in arriving at a determination as to whether the uses fall within "existing use patterns." Velsicol asserts, in effect, that such information might

have been submitted by Dow or other companies. I recognize the validity of this assertion. However, after Dow submitted its claim for compensation in which numerous items of data were specified Velsicol acknowledged that the specified Dow data "are being relied upon" and requested that EPA "consider such data in support of our application." (Letter of September 24, 1975.)

At this point the Administrator was free to consider every item of data specified by Dow. Dow does not urge that it is entitled to compensation for each item of data specified, but it seeks delineation and specification as to its data that the Administrator considered in approving the Velsicol registrations.

It appears, at this point, that only EPA knows what items of data specified by Dow in its letter and attachments of August 6, 1974 were considered by EPA in approving the Velsicol applications for registration. I consider it appropriate, pursuant to my authority under section 2(g) of the Rules of Procedure, to direct the Director of the Registration Division to file a separate statement with respect to each of the Velsicol registrations in question,^{8/} identifying which data cited in attachments to Dow's letter of August 6, 1974, were considered by EPA in registering each of said products.

8/ See Attachment A.

Prior to enactment of 3(c)(1)(D) on October 21, 1972, there was no provision for compensating the producer of test data used by EPA in support of a subsequent application for registration.

Section 3(c)(1)(D) as enacted on October 21, 1972, did not specify a date as to which data submitted in support of an application by a claimant would be considered in support of a subsequent application. In the Interim Policy Statement of November 19, 1973, EPA construed this section as applying only to data submitted to EPA in connection with an application for registration (by a claimant) for the first time on or after October 21, 1972, the date of enactment of 3(c)(1)(D). The Interim Policy Statement also provided that section 3(c)(1)(D) should apply to all applications submitted after the date of that statement.

Inasmuch as there was no provision for compensation prior to October 21, 1972, the administrative construction, to the effect that only data submitted on or after that date would be compensable, was reasonable. It is well established that contemporaneous construction of a statute by the Agency responsible for its implementation is entitled to great weight. In Power Reactor Development Co. v. International Union, 367 U.S. 396, the Supreme Court emphasized the great weight that is to be given to Agency interpretation of amendments to existing statutes. The Court stated at 408:

Particularly in this respect due when the administrative practice at stake "involves a contemporaneous construction of a statute by the men charged with the responsibility of setting its machinery in motion; of making the parts work efficiently and smoothly while they are yet untried and new." Norwegian Nitrogen Products Co. v. United States, 1933, 288 U.S. 294, 315.

In Udall v. Tallman, 380 U.S. 1, the Court went further and stated at 16:

When faced with a problem of statutory construction, this court shows great deference to the interpretation given the statute by the officers or agency charged with its administration. "To sustain the Commission's application of this statutory term, we need not find that its construction is the only reasonable one or even that it is the result we would have reached had the question arisen in the first instance in judicial proceedings." Unemployment Comm'n of Territory of Alaska v. Aragon, 329 U.S. 143, 153. See also, e.g., Gray v. Powell, 314 U.S. 402; Universal Battery Co. v. United States, 281 U.S. 580.

The bill that amended 3(c)(1)(D) in 1975 was H.R. 8841, 94th Cong., 1st Sess. Section 12 of this bill as passed by the Senate provided that "data submitted on or after October 21, 1972, in support of an application shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless" there is an offer to pay reasonable compensation, etc. This bill also provided that the compensation provision should apply to all applications for registration submitted on or after October 21, 1972.

In amending section 3(c)(1)(D) in November 1975 Congress did not intend to invalidate the registrations that had been approved under the 2(c) procedure of the Interim Policy Statement or to change the administrative policy with regard to such registrations. In the Report of the Senate Committee on Agriculture and Forestry, No. 94-452, November 10, 1975, which accompanied the bill that was passed by the Senate, the Interim Policy Statement is commented on as follows:

However, the Agency exercised discretion and implemented Section 3(c)(1)(D) on November 19, 1973, by publication of its Interim Policy Statement in the Federal Register. The Interim Policy Statement, among other things, provided that Section 3(c)(1)(D) would apply to all applications submitted on or after the date of the Interim Policy Statement. EPA has proceeded to register pesticides since that date (and until the present) consistent with the Interim Policy Statement.

The Committee has considered the question, and has resolved that the more desirable course is to treat Section 3(c)(1)(D) as being effective on October 21, 1972. Thus, the provision with regard to compensation for test data applies with respect to all applications for registration on or after October 21, 1972. However, it is now some three years later, and it is neither desirable nor possible to unravel the past, and cast doubt on the validity of the thousands of registrations which the Administrator has issued since October 21, 1972, which have not been subject to Section 3(c)(1)(D), pursuant to the Interim Policy Statement. However, since it is possible that the Administrator has still not acted on some applications which were first submitted before the date of the Interim Policy Statement, the committee amendment would resolve any remaining dispute by requiring the Administrator to apply Section 3(c)(1)(D) in approving any such applications in the future. (Emphasis added.)

A conference committee of the House and Senate^{9/} modified section 3(c)(1)(D) as passed by the Senate by providing that all data submitted in support of an application on or after January 1, 1970 (in lieu of October 21, 1972), is compensable. This is the provision in the bill as enacted.

I interpret the above quoted portion of the Senate committee report as giving approval to the Agency's construction of 3(c)(1)(D) as enacted on October 21, 1972, as set forth in the Interim Policy Statement. Thus I conclude that it is proper to apply the construction of the Interim Policy Statement and it is my view that Dow is entitled to compensation for data submitted to EPA in connection with applications for registration for the first time on or after October 21, 1972.

ORDER

Based on the foregoing opinion it is hereby ORDERED:

1. Pursuant to section 2(g) of the Rules of Procedure issued in these proceedings the Director of the Registration Division (as defined in section 1(d)(6) of the said Rules) shall submit a separate statement with respect to each of the products of Velsicol Chemical Corporation which are the subject of these proceedings, stating which data submitted to EPA by Dow Chemical Company for which it


^{9/} Conference Report 94-668, 94th Cong., 1st Sess., November 15, 1975.

claimed compensation by letters dated August 6, 1974, and attachments thereto, were considered by EPA in registering each of said Velsicol products. The statement shall designate which items of data were submitted by Dow in connection with applications for registration for the first time on or after October 21, 1972.

Such statements shall be submitted by May 23, 1977 unless the time is extended as provided in section 4(b) of the Rules of Procedure. A copy of the statements shall be served on counsel for the parties.

2. All proceedings in these consolidated matters are stayed until after the said statements have been filed by the Director, as above ordered.

3. In all other respects the motion of Dow Chemical Company is denied.


Bernard D. Levinson
Administrative Law Judge

April 7, 1977

DOW CHEMICAL COMPANY v. VELSICOL CHEMICAL CORPORATION

3(c)(1)(D) Claims for Compensation
 Applications by Velsicol filed April 8, 1974
 (Methods of Support 2(c) - Established Use Patterns)
 Claims by Dow Filed August 8, 1974
 Notice of Applications in Federal Register June 10, 1974

FIFRA COMP Dkt No.	Product Name & Symbol No.	Active Ingredients	Name of Dow Product & EPA Reg. No.	Date Vel. Reg. Apvd. & Reg. No.
4	Vegatrol A-4D 876-EEE	EPA File Symbol 876-EEE. Velsicol Chemical Corp. <i>Vegatrol A-4D Herbicide</i> . Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.5 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-196 DMA-4	11-21-75 876-222
5	Vegatrol 6D 876-EER	EPA File Symbol 876-EER. Velsicol Chemical Corp. <i>Vegatrol 6D Herbicide</i> . Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 69.1 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-151 DMA-6	11-21-75 876-221
6	Vegatrol LV-6D 876-EGE	EPA File Symbol 876-EGE. Velsicol Chemical Corp. <i>Vegatrol LV-6D Herbicide</i> . Active Ingredients: 2-Ethylhexyl Ester of 2,4-Dichlorophenoxyacetic Acid 94.2 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-347 Esteron 6E	11-21-75 876-232
7	Vegatrol LV-4D 876-ERI	EPA File Symbol 876-ERI. Velsicol Chemical Corp. <i>Vegatrol LV-4D Herbicide</i> . Active Ingredients: 2-Ethylhexyl ester of 2,4-dichlorophenoxyacetic acid 69.9 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-349 Weed Killer LV-4	11-21-75 876-218
8	Vegatrol BE-4D 876-ERT	EPA File Symbol 876-ERT. Velsicol Chemical Corp. <i>Vegatrol BE-4D Herbicide</i> . Active Ingredients: Butoxyethyl Ester of 2,4-Dichlorophenoxyacetic Acid 65.7 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-187 Esteron Four 464-201 Esteron 99 Conc.	11-21-75 876-217
9	Vegatrol O-6T 876-EEA	EPA File Symbol 876-EEA. Velsicol Chemical Corp., 341 E. Ohio Street, Chicago, Illinois 60611. <i>Vegatrol O-6T Herbicide For Brush Control</i> . Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 88.8 percent. Method of Support: Application proceeds under 2(c) of Interim policy.	464-272 Tippon T6	11-20-75 876-226

FYKA
COMP
Dkt No.

Product Name
& Symbol No.

Active Ingredients

Name of
Dow Product &
EPA Reg. No.

Date Vel. Reg. Apvd.
& Reg. No.

10
Vegatrol LV-4T
876-EEI

EPA File Symbol 876-EEI. Velicol Chemical Corp. *Vegatrol LV-4T Herbicide For Brush Control*. Active Ingredients: 2-Ethylhexyl ester of 2,4,5-trichlorophenoxyacetic acid 65.3 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-351
Brush Killer LV-4T

11-21-75
876-225

11
Vegatrol BE-4T
876-EEN

EPA File Symbol 876-EEN. Velicol Chemical Corp. *Vegatrol BE-4T Herbicide For Brush Control*. Active Ingredients: Butoxyethanol Ester of 2,4,5-Trichlorophenoxyacetic Acid 82.6 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-205
Esteron 245

11-21-75
876-220

12
Vegatrol LV-6T
876-EEO

EPA File Symbol 876-EEO. Velicol Chemical Corp. *Vegatrol LV-6T Herbicide For Brush Control*. Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 87.0 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-302
Esteron 245 Conc.

11-21-75
876-229

13
Vegatrol O-4T
876-EGN

EPA File Symbol 876-EGN. Velicol Chemical Corp. *Vegatrol O-4T Herbicide For Brush Control*. Active Ingredients: 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 85.6 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-304
Tippon T4

11-21-75
876-230

14
Vegatrol A-4T
876-EGR

EPA File Symbol 876-EGR. Velicol Chemical Corp. *Vegatrol A-4T Herbicide For Brush Control*. Active Ingredients: Trichlorylamine Salt of 2,4,5-Trichlorophenoxyacetic Acid 87.0 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-199
Veon 245

11-21-75
876-216

15
Vegatrol LV-2D-2T
876-ERA

EPA File Symbol 876-ERA. Velicol Chemical Corp. *Vegatrol LV-2D-2T Herbicide For Brush Control*. Active Ingredients: 2-Ethylhexyl Ester of 2,4-Dichlorophenoxyacetic Acid 34.7 percent; 2-Ethylhexyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 33.1 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-352
Brush Killer LV 2-2

11-21-75
876-216

16
Vegatrol BE-2D-2T
876-ERO

EPA File Symbol 876-ERO. Velicol Chemical Corp. *Vegatrol BE-2D-2T Herbicide For Brush Control*. Active Ingredients: Butoxyethyl Ester of 2,4,5-Trichlorophenoxyacetic Acid 31.2 percent; Butoxyethyl Ester of 2,4-Dichlorophenoxyacetic Acid 32.6 percent. Method of Support: Application proceeds under 2(c) of Interim policy.

464-204
Esteron Brush Killer

11-20-75
876-219

FIFRA

COMP

Dkt No.

Product Name
& Symbol No.Active IngredientsName of
Dow Product &
EPA Reg. No.Date Vel. Reg. Apvd.
& Reg. No.

17

Vegatrol A-2D-2T
876-ERU

EPA File Symbol 876-ERU, Velsicol Chemical Corp. Vegatrol A-2D-2T Herbicide For Brush Control. Active Ingredients: Dimethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 24.7 percent; Trichloramine Salt of 2,4,6-Trichlorophenoxyacetic Acid 28.6 percent. Method of Support: Application proceeds under 2(c) of Interim Policy.

464-198
Veon Brush Killer11-21-75
876-214

18

Vegatrol LV-4TP
876-EET

EPA File Symbol 876-EET, Velsicol Chemical Corp. Vegatrol LV-4TP Herbicide. Active Ingredients: 2-Ethylhexyl Ester of Silver 2-(2,4,6-Trichlorophenoxy) Propionic Acid 66.2 percent. Method of Support: Application proceeds under 2(c) of Interim Policy.

464-162
Kuron11-21-75
876-227

15 Cases